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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,536	09/16/2003	Hong Nguyen	BE1-0032US	3590
49584	7590	11/28/2006	EXAMINER	
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			GESESSE, TILAHUN	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,536	Applicant(s) NGUYEN ET AL.	
	Examiner Tilahun B. Gesesse	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 9/13/06 have been fully considered but they are not persuasive for the following reasons.

On page 9, second paragraph of applicant response to the office action , applicant argued that Noreen fails to teach two way communication path between the receive and the digital radio broadcast transmitter.

The examiner disagrees. Noreen teaches two-way communication path between the receiver and digital radio broadcast transmitter (see abstract, an interactive media system (100) is provided for use with broadcast media wherein feedback is provided to broadcasting system via subscriber access device. Noreen teaches broadcast network includes broadcast stations (102 (1-N) and network operation center (110) broadcast program segments broadcasts from broadcast stations, receives vehicle (interactive radio mobile 104, figure 2) and Further more, Noreen teaches two-way interactive radio receiver (see page 1, paragraph 0008- page 2 line 4, page 2, paragraph 0011, lines 2-11 and page 5 paragraph 0048 and figure 2), Noreen further teaches a satellite digital audio radio broadcast (SDARS) see page 9, paragraph 0065).

On page 10, second paragraph applicant argued that Noreen at most describes a one-way communication path between broadcasters 102 (1-N) and vehicles 104 (1-N). The only communication between these two components is the transmission of broadcast signals from broadcast 102 (1-N) to vehicles 104 (1-N) further more,

applicant argued that Noreen avoids any communication from vehicle 104 (1-N) to broadcast 102 (1-N). Noreen fails to teach two-way communication path.

The examiner disagrees. Noreen teaches two-way interactive radio receiver (see page 1, paragraph 0008- page 2 line 4, page 2, paragraph 0011, lines 2-11 and page 5 paragraph 0048 and figure 2).

On page 11, second paragraph of response , applicant argued that the office action fails to show how Noreen discloses all of the elements of applicant's claim 1, as required to state a prima facie case of anticipation.

The examiner disagrees. Noreen teaches a system,(broadcast stations (102 1-102-N and satellites (116 and 114) mobile radio receivers 104 1-N and data networks 110, see fig.1) comprising:

Noreen teaches a digital radio broadcast station having a transmitter and a server (see fig. 1 102 1-N) and 112 1-N servers).

Noreen teaches a receiver (123) in communication with the digital radio broadcast transmitter (broadcast transmitters (102 1-N), the receiver (123) comprising a user interface (122) for receiving user input commands (see figs.1- 2 and page 5, paragraph 0048) comprising

Noreen teaches a request for information from the digital radio broadcast station, wherein the receiver is configured to establish a two-way communication path between the receiver and the digital radio broadcast transmitter (page 5, lines 0046-0047 and fig. 1 and (see page 1, paragraph 0008- page 2 line 4, page 2, paragraph 0011, lines 2

through 11 and page 5 paragraph 0048 and figure 2).

Noreen teaches a network in communication with the server and the receiver for exchanging information there between (page 5, paragraph 0046-0047 and fig. 1).

Noreen teaches the request for information is provided to the server via the network and the server is configured to receive the request and transmit a response message to the receiver in accordance with the request (page 5 paragraph 0046, page 9, paragraph 0069 and figures 13-15).

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1- 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Noreen et al (US pat. No.2002/0183059).

Claims 1 and 6, Noreen teaches a system, (broadcast stations (102 1-102-N and satellites (116 and 114) mobile radio receivers 104 1-N and data networks 110, see fig.1) in which the broadcaster and an interactive radio network ground station 108 (see page 5, paragraph 0046) being a single broadcaster and receiver network, comprising:

Noreen teaches a digital radio broadcast station having a transmitter and a server (see fig. 1 102 1-N) and 112 1-N servers) in which the broadcaster and the interactive radio network ground station 108 being a single broadcast/receive network.

Noreen teaches a receiver (123) in communication with the digital radio broadcast transmitter (broadcast transmitters (102 1-N), the receiver (123) comprising a user interface (122) for receiving user input commands (see figs.1- 2 and page 5, paragraph 0048) comprising

Noreen teaches a request for information from the digital radio broadcast station, wherein the receiver is configured to establish a two-way communication path between the receiver and the digital radio broadcast transmitter (page 5, lines 0046-0047 and fig. 1 and (see page 1, paragraph 0008- page 2 line 4, page 2, paragraph 0011, lines 2 through 11 and page 5 paragraph 0048 and figure 2).

Noreen teaches the request for information is provided to the server via the network and the server is configured to receive the request and transmit a response message to the receiver in accordance with the request (page 5 paragraph 0046, page 9, paragraph 0069 and figures 13-15 and page 5, paragraph 0046-0047 and fig. 1).

Claim 2, Noreen teaches a computer in communication with the receiver, the computer configured to receive and display the response message (see figs.1 and 2 page 6 ,paragraph 0049).

Claim 3. Noreen teaches a telephone in communication with the receiver, the telephone configured to receive and display the response message (page 5, paragraph 0046).

Claims 4 and 13 Noreen teaches the response message is provided to an e-mail Address (see page 6, paragraph 0049).

Claim 5, Noreen teaches a database in communication with the server containing information related to a digital radio program (see page 5 paragraph 0046).

Claim 7, Noreen teaches the specific information further comprises information identifying a radio channel of interest (page 2 paragraph 0011 and figure 1).

Claims 8-9. Noreen teaches the response message comprises specific information relating to music currently being broadcasted by the digital radio broadcast station (see abstract and page 6 paragraph 0049).

Claims 9 and 11, Noreen teaches the request for information comprises a request for specific information relating to music previously broadcasted by the digital radio broadcast station (page 9, paragraph 0069)

Claim 10. Noreen teaches the specific information further comprises information identifying a radio channel of interest (page 9, paragraph 0069).

Claim 12, Noreen teaches a device in communication with the

receiver for receiving the response message (see figs. 13-15) .

Claim 14. Noreen teaches the device further comprises a program directory containing information relating to previously played programs "database" (see figs. 13-15 and page 5 paragraph 0046).

Claim 15. Noreen teaches the device is any one of a receiver, computer, and telephone (see figs. 13-15).

Claim 16. Noreen teaches an online purchase device for processing a purchase transaction between a user of digital radio broadcast services and the digital radio broadcast station and a third party vendor, wherein the user may purchase program materials currently being broadcasted over the digital radio broadcast station (see page 5, paragraph 0046).

Claim 17, Noreen teaches a recorder in communication with the receiver for recording audio programs broadcast by the digital radio broadcast station (database) (see figs. 13-15).

Claims 18-19. Noreen teaches a program guide related to specific audio channels at specific times (page 12 paragraph 0079).

Claim 20. Noreen teaches the device is any one of an e-mail register, a pager, a personal digital assistant, a telephone, and a computer (page 5, paragraph 0046).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Messina et al (US 2002/0065037) teaches two-way feedback channel the broadcast (SDARS) for commanding a selection song by the user by pressing buy button (See page 3 paragraph 0030).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

11/20/06


TILAHUN GESESSE
PRIMARY EXAMINER